

R307. Environmental Quality, Air Quality.**R307-415. Permits: Operating Permit Requirements.****R307-415-4. Applicability.**

(1) Part 70 sources. All of the following sources are subject to the permitting requirements of R307-415, and unless exempted under (2) below are required to submit an application for an operating permit:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(c) Any source, including an area source, subject to a standard or other requirement under Section 112 of the Act, Hazardous Air Pollutants, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Act, Prevention of Accidental Releases;

(d) Any Title IV affected source.

(2) Exemptions.

(a) All source categories that would be required to obtain an operating permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters, are exempted from the requirement to obtain a permit.

(b) All source categories that would be required to obtain an operating permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation, are exempted from the requirement to obtain a permit. For Part 70 sources, demolition and renovation activities within the source under 40 CFR 61.145 shall be treated as a separate source for the purpose of R307-415.

~~[(c) Certain area sources have been exempted from the requirement to obtain an operating permit under a subpart of 40 CFR Part 63. These include:~~

~~— (i) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;~~

~~— (ii) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;~~

~~— (iii) 40 CFR Part 63, Subpart O, Ethylene Oxide Emission Standards for Sterilization Facilities;~~

~~— (iv) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning;~~

~~— (v) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.]~~

(c) An area source subject to a regulation under Section 111 or 112 of the Act (42 U.S.C. 7411 or 7412) promulgated after July 21, 1992 is exempt from the obligation to obtain a Part 70 permit if:

(i) the regulation specifically exempts the area source category from the obligation to obtain a Part 70 permit, and

(ii) the source is not required to obtain a permit under

1 R307-415-4(1) for a reason other than its status as an area source
2 under the Section 111 or 112 regulation containing the exemption.

3 (3) Emissions units and Part 70 sources.

4 (a) For major sources, the Executive Secretary shall include
5 in the permit all applicable requirements for all relevant
6 emissions units in the major source.

7 (b) For any area source subject to the operating permit
8 program under R307-415-4(1) [~~or~~ (2)], the Executive Secretary
9 shall include in the permit all applicable requirements applicable
10 to emissions units that cause the source to be subject to the
11 operating permit program.

12 (4) Fugitive emissions. Fugitive emissions and fugitive
13 dust from a Part 70 source shall be included in the permit
14 application and the operating permit in the same manner as stack
15 emissions, regardless of whether the source category in question
16 is included in the list of source categories contained in the
17 definition of major source.

18 (5) Control requirements. R307-415 does not establish any
19 new control requirements beyond those established by applicable
20 requirements, but may establish new monitoring, recordkeeping, and
21 reporting requirements.

22 (6) Synthetic minors. An existing source that wishes to
23 avoid designation as a major Part 70 source under R307-415, must
24 obtain federally-enforceable conditions which reduce the potential
25 to emit, as defined in R307-101-2, to less than the level
26 established for a major Part 70 source. Such federally-
27 enforceable conditions may be obtained by applying for and
28 receiving an approval order under R307-401. The approval order
29 shall contain periodic monitoring, recordkeeping, and reporting
30 requirements sufficient to verify continuing compliance with the
31 conditions which would reduce the source's potential to emit.

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34 **KEY: air pollution, environmental protection, operating permit,**
35 **emission fee**

36 **Date of Enactment or Last Substantive Amendment: [~~September 7,~~**
37 **2006]2007**

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39 **Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-**
40 **2-104**

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